right to the soil or fisheries of an inland, non-tidal lake. Other cases supporting this principle are: *Venning* v. *Steadman,* 9 Can. Sup. Ct. Rep. 206; *Rowell* v. *Doyle,* 131 Mass. 474; *Payne* v. *Sheets,* 75 Vt. 335; *Brown* v. *Cunningham,* 82 Ia. 512, 12 L. R. A. 583; *Burrows* v. *McDermott,* 73 Me. 441; *Priewe* v. *Improvement Co.,* 93 Wis. 534, 33 L. R. A. 645; *Blades* v. *Hicks,* 11 H. L. Cases 621. These authorities establish the proposition that the state ownership over fish and game is not such proprietary interest as will authorize a sale thereof by the state or the granting of special interests therein, but is solely in trust for the public and for the purpose or regulation and preservation for the common use. We must concede that the state has merely a right to regulate fish and game to the extent of protecting the public, and that when a person has acquired a property right in land, such right ought not to be taken away under the guise of police regulation and the discrimination made in this case between residents and non-residents ought to be within the "equal protection of the laws" clause. See on this point *Eldridge* v. *Trezivant,* 160 U. S. 452, 40 L. Ed. 490.

CONTRIBUTORY NEGLIGENCE—PASSENGER ON CAR PLATFORM.—Plaintiff was a passenger on defendant's excursion train. All seats and aisles were full and passengers were on the platforms. Plaintiff stood in the aisle of the smoker until he became faint, as a result of bad air. Not being able to get near a window, he went out on the platform, where he became unconscious and fell off. *Held,* he was not guilty of contributory negligence as matter of law. *Morgan* v. *L. S. & M. S. Ry. Co.* (1904), — Mich. —, 101 N. W. Rep. 836.

The decisions are at variance as to whether riding upon the platform under such circumstances is contributory negligence as matter of law. It has been held not to be in *Willis* v. *L. I. Ry. Co.,* 34 N. Y. 670, and *Werle* v. *L. I. R. R. Co.,* 98 N. Y. 650. In *Ward* v. *C. M. & St. P. Ry. Co.,* 102 Wis. 215, 78 N. W. 442, it is held to be a question for the jury. In *Rolette* v. *G. N. Ry.,* 97 N. W. 431, it is held negligence if there be standing room in the aisles. Defendant's contention that riding on the platform is prima facie negligent seems to be supported by the weight of authority and is based on the following cases: *Ry. Co.* v. *Moneyhun,* 146 Ind. 147, 34 L. R. A. 141; *Worthington* v. *Central Vt. Ry. Co.,* 64 Vt. 107, 15 L. R. A. 326; *Hickey* v. *B. & L. R. R. Co.,* 14 Allen 429; *C. & A. R. R. Co.* v. *Hoosey,* 99 Pa. St. 492, and *Rolette* v. *G. N. Ry.* supra. But the court held that all these cases recognize the rule that if the passenger is necessarily on the platform because of conditions created by the railroad company, he is not precluded from recovering damages. This tends to raise a question in each case as to what constitutes necessity. Two of the justices dissent on the ground that plaintiff was justified by no serious necessity.

CONVEYANCE—STANDING TIMBER—RECORDING—BONA FIDE PURCHASER.—Plaintiff claims title to logs cut, but not removed, under an unrecorded written extension of a prior recorded contract for the purchase of standing timber. The recorded contract recited a full payment of the consideration. Defendant